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Counsel for Defendant Maher Walid Khatib

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Maher Walid Khatib,

Defendant.

No. CR 12-00193 WHA

MOTION TO FILE PRESENTENCE
INVESTIGATION REPORT UNDER SEAL,
DECLARATION IN SUPPORT AND
~~PROPOSED~~ ORDER

Mr. Khatib moves this Court to permit him to file Exhibit B to his motion to vacate his sentence under 28 U.S.C. § 2255, the Presentence Report, under seal. In support of this request I, CARMEN A. SMARANDOIU, declare the following to be true under penalty of perjury:

1. I am an attorney employed at the office of the Federal Public Defender for the Northern District of California. Pursuant to the Court's Miscellaneous Order 2015.11.17, the Federal Public Defender has been appointed to represent the defendant in the above-entitled matter;
2. Pursuant to this appointment, I am filing a motion to correct sentence under 28 U.S.C. § 2255 pursuant to the Supreme Court's decision in *Johnson v. United States*, 135 S.Ct. (2015);

3. Exhibit B to the motion for *Johnson* habeas relief is the presentence investigation report from the original criminal matter;
4. I declare that the presentence report contains confidential personal identification information and is a confidential record of the Court, *see* Crim. L.R. 32-7(a);
5. In my professional opinion it is necessary to file the presentence report under seal to protect the confidentiality of the material within;
6. I will provide a courtesy copy of Exhibit B, the Presentence Report, to the Office of the United States Attorney;
7. Therefore, the defense hereby moves the Court to file the already lodged Presentence Report under seal.

Respectfully submitted,

Dated: May 10, 2016

STEVEN G. KALAR
Federal Public Defender

/s/

CARMEN A. SMARANDOIU
Assistant Federal Public Defender

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UNITED STATES OF AMERICA,

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v.

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ORDER FILING UNDER SEAL

For good cause shown, Exhibit B to defendant's motion to vacate his sentence under 28 U.S.C. § 2255, the Presentence Report, shall be filed under seal.

IT IS SO ORDERED.

May 11, 2016.

DATED



William H. Alsup
United States District Judge